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2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

4 Jeremy Bryson,

5 Plaintiff

6 v.

7 Zuniga, et al.,

8 Defendants

Case No.: 2:20-cv-00089-CDS-BNW

Order Adopting Report and  
Recommendation of the Magistrate Judge,  
Denying Motions for Summary Judgment,  
Denying Motion to Grant Judgment on the  
Pleadings, and Closing Case

[ECF Nos. 47, 48, 53, 68]

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10 This is a civil rights action brought by pro se plaintiff Jeremy Bryson. On March 23, 2023,  
11 United States Magistrate Judge Brenda Weksler issued a report and recommendation that I  
12 dismiss this action for failing to comply with the court's prior order (ECF No. 66), issued  
13 February 22, 2023. R&R, ECF No. 68. She recommended dismissal of this case due to Bryson's  
14 failure to update his address with the court. *Id.* Under the local rules, Bryson had fourteen days  
15 to file any objections to the R&R. *See* LR IB 3-2(a) (stating that a party who objects to a report  
16 and recommendation from a magistrate judge must file a written objection supported by points  
17 and authorities within fourteen days of being served with the report and recommendation). Any  
18 objections to Magistrate Judge Weksler's R&R were thus due on April 6, 2022. *Id.* Bryson has  
19 failed to update his address or to file an objection to the R&R to meet that deadline. It is  
20 possible that he did not receive a copy of the magistrate judge's order because during the  
21 pendency of this action, Bryson's mail has been repeatedly returned undeliverable. *See* ECF Nos.  
22 33, 35, 65, 67.

23 "[N]o review is required of a magistrate judge's report and recommendation unless  
24 objections are filed." *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also* *Thomas*  
25 *v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).  
26 While *de novo* review is not required because Bryson failed to file objections, I nevertheless

1 conducted a *de novo* review of the issue set forth in the report and recommendation. 28 U.S.C. §  
2 636(b)(1). When reviewing the order of a magistrate judge, the order should only be set aside if  
3 the order is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); LR IB 3-1(a); 28 U.S.C. §  
4 636(b)(1)(A); *Laxalt v. McClatchy*, 602 F. Supp. 214, 216 (D. Nev. 1985). A magistrate judge's order  
5 is "clearly erroneous" if the court has "a definite and firm conviction that a mistake has been  
6 committed." *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948); *Burdick v. Comm'r IRS*, 979  
7 F.2d 1369, 1370 (9th Cir. 1992). "An order is contrary to law when it fails to apply or misapplies  
8 relevant statutes, case law or rules of procedure." *UnitedHealth Grp., Inc. v. United Healthcare, Inc.*,  
9 2014 WL 4635882, at \*1 (D. Nev. Sept. 16, 2014). Failure to provide a current address is a  
10 violation of Local Rule IA 3-1. The rule requires that a pro se party file a written notification of  
11 any change of mailing address, email address, or telephone number with the court. LR IA 3-1.  
12 Failure to comply may result in the dismissal of the action, entry of default judgment, or other  
13 sanctions as deemed appropriate by the court. *Id.* A review of the docket shows that Bryson  
14 failed to update his address with the Clerk of Court before the March 22, 2023, deadline. Thus, I  
15 find that Magistrate Judge Weksler's R&R was not clearly erroneous or contrary to the law.

16 IT IS THEREFORE ORDERED that Magistrate Judge Weksler's Report and  
17 Recommendation [ECF No. 68] is ADOPTED in its entirety.

18 IT IS FURTHER ORDERED that plaintiff's motion for summary judgment [ECF No. 47]  
19 is DENIED as moot.

20 IT IS FURTHER ORDERED that defendants' motion for summary judgment [ECF No.  
21 48] is DENIED as moot.

22 IT IS FURTHER ORDERED that plaintiff's motion to grant judgment on the pleadings  
23 [ECF No. 53] is DENIED as moot.

1 IT IS FURTHER ORDERED that this case is dismissed without prejudice. If Bryson  
2 wants to pursue his claims, he must file a new case, and pay the filing fee or file an application to  
3 proceed in forma pauperis.

4 The Clerk of Court is directed to enter judgment accordingly and close the case.

5 DATED: April 11, 2023

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Cristina D. Silva  
United States District Judge